

REMARKS

Claims 1 – 53 are currently pending in this application. Claims 1, 9, 16, 24, 42, and 48 have been amended herein. No new matter has been added. Claims 1 - 53 have been rejected. Reconsideration and withdrawal of the rejections set forth in the Final Office Action dated September 20, 2007 are respectfully requested.

Claim Rejections:

35 U.S.C. §102 Rejections

Claims 1-53 stand rejected under 35 USC §102 as being anticipated by *Bezos, et al.* (US 6,029,141).

The Prior Art (Bezos)

Bezos, U.S. Patent No. 6,029,141, teaches an internet-based referral system that enables individuals and other business entities ("associates") to market products, in return for a commission, that are sold from a merchant's website.

Bezos is focused on identifying customers that have been referred to merchants. Bezos shows associates in direct communication with customers. Bezos shows associates sending html docs with embedded links to customers. The examiner has argued that Bezos teaches an associate transmitting a publication to a customer.

Bezos nowhere mentions a merchant maintaining a publication service on behalf of affiliates. Bezos does not teach a system or method for maintaining a single publication system in accordance with a plurality of affiliates. Bezos does not teach tracking a user in regard to a publication that has been forwarded to the user.

The Prior Art Distinguished (Claims 1,9,16,24,32,34,41,42,49, 50 and 51)

The examiner relies on Bezos to reject claims 1 - 53 under 35 U.S.C. 102(e). To anticipate a claim, a reference must teach each and every element of the claim.

The examiner suggested that Bezos discloses a method, system, program and apparatus for providing performance based referral credit based on user transactions utilizing a network comprising:

a. allowing a referring entity to present a publication, the referring entity being assigned a unique identifier associated with the publication. (Col 1, line 50 through Col 2, line 18, and Col 7, lines 6-40)

b. receiving input from a user for subscribing to the publication utilizing a network. (Col 7, lines 52-60)

c. assigning a tracking code that traces to the user input and the unique identifier; (Col 8, lines 17-48)

d. forwarding the publication to the user based on the user input utilizing the network; (Col 7, lines 52-60)

e. allowing the user to select an entity associated with the publication; (Col 14, lines 1-37)

f. identifying the tracking code when the user conducts a transaction with the entity in order to provide a credit to the referring entity. (Col 1, line 50 through Col 2, line 18, and Col 14, line 38 through Col 15, line 16)

a) Regarding the step a, the examiner suggested that the affiliate in *Bezos* is the referring entity and the referring entity is presenting the publication to the customer (Col 1, line 50 through Col 2, line 18; and Col 7, lines 6-40). However, the publication that the examiner quoted is the associate catalog including product-specific hyperlinks (referral links) that allow potential customers to link to the merchant's Web site to initiate purchases of such products from the merchant (Col 1, lines 56-66).

This should be distinguished from the publication in step a of the present application, which is used to receive a user's input for the purpose of the user's

subscription to the associate's further publications in step b. In step a, the publication is not an associate's catalog, but a subscription invitation to receive further publication of the referring entity according to the user's preferences specified by the user. To emphasize this difference, relevant claims were amended as listed above.

b) Regarding the step b, the examiner suggested that *Bezos* specifically discloses in Col 7, lines 52-60 that the user provides input regarding the desire to make a purchase of a publication. Further, the examiner suggested that without such input from the user, the publication cannot be obtained and as such, the input from the user is used for the same intended use disclosed by the applicant in claims (i.e. for subscribing to (purchasing) the publication utilizing a network).

The applicant respectfully disagrees with the characterization of the prior art (*Bezos*) in the quoted part. *Bezos* describes that a product detail page is displayed on the customer computer with the selection of a referral link in the merchant Web site and a hyperlink can be selected from that page that allows the selected product to be added to a customer "shopping cart." The selected product is clearly not the subscription to the publication itself, but a product that is shown on the merchant Web page. This should be distinguished from the user input for the subscription to the publication in the step b of the present application. There is a separate step f in the present application that where the user conducts a transaction, including purchasing a product.

c) Regarding the step c, the examiner suggested that *Bezos* discloses in Col 8, lines 17-66 that a tracking code is used to identify the referring entities unique identifier and compensate said referring entity based upon user purchase input. Further, the examiner suggests that a cookie is an example of a tracking code.

The applicant respectfully disagrees with the examiner. *Bezos* in Col 8, lines 17-31 describes using cookies technology to identify the customer so that the customer can be associated with any existing shopping cart created during pervious visits to the

site, instead of assigning a tracking code that traces to the user input received in step b and the unique identifier that was assigned in step a.

Furthermore, even though Bezos stated that the use of the URL-embedded referral information to identify the associate allows the associate to be identified and credited for the referral with a high degree of reliability (Col. 8, lines 59-66), there is no specific teaching of the separate step of assigning a tracking code that traces to the user input and the unique identifier in step b. Identifying the associate using the general URL-embedded referral information (e.g. cookie) with a "high degree" of reliability in Bezos is distinguishable from actively taking the step of assigning a tracking code to ensure tracing both the user input and the referring entity's identifier.

d) Regarding the step d, the examiner suggested that Bezos discloses utilizing the network to collect purchasing information input from the user and then delivering the product to the user (Col 2, line 59 through Col 3, line 25).

Step d of the present application refers to forwarding the publication requested by the user based on the user input for subscription in step b, not the purchased product from the merchant Web site as the examiner suggested. The publication may include information for further transaction in step f, but it is distinguishable from collecting purchasing information input from the user and then delivering the purchased product, because the forwarded publication in step d is not purchased, but only subscribed to. To emphasize that the publication in step d is subscribed to by a user and specifically requested (with user input in step b), relevant claims were amended.

e) Further, the examiner suggested that Bezos disclosed the merchant sending out the publication for the referring site (affiliate) in Col 2, line 59 through Col 3, line 25.

However, Bezos describes software providing a corresponding credit for the referral when the customer proceeds to submit an order and advantages of using a shopping cart feature in Col 2, line 59 through Col 3, line 7. Bezos in the quoted part does not disclose the merchant sending out the publication for the referring site or,

forwarding the publication to the user based on the user input utilizing the network as in the step d.

Also, Bezos describes an example web site (Amazon.com) in that an associate can set up a Web site to market the merchant's products after registering with the merchant associate program, to be paid commission for purchases based on referrals in Col 3, lines 8-25. Bezos in the quoted part does not disclose the merchant sending out the publication for the referring site.

f) Regarding the step e, the examiner suggested that *Bezos* discloses in Col 14, lines 1-37, the user selecting publications based upon the referring entity associated with the publication.

However, Bezos in the quoted part described the act that the customer selects a link to add a selected product to the shopping cart. This should be distinguished from the step e of allowing the user to select an entity associated with the publication. This step enables the user to be connected with the entity before he conducts a transaction with the entity, distinguishable from the act of selecting a product for purchase as described in the quoted part of Bezos.

g) Regarding the step f, the examiner suggested that *Bezos* discloses keeping "Track of the sources (associates) of such referrals" and how "This feature allows the merchant Web site to accurately track and credit each associate, on a per-product-sale basis" in Col 1, line 50 through Col 2, line 18; and Col 14, line 38 through Col 15, line 16, as well as in Col 13, lines 9 -28.

However, the step f of identifying the tracking code is distinguishable from Bezos, described in Col 1, line 50 through Col 2, line 18, regarding using the unique ID of the associate assigned upon enrollment to identify the referral and the product selected from the associate's catalog. The unique ID in Bezos is assigned when the associate registered on the merchant Web site. The tracking code mentioned in step f is assigned in step c to traces the user input in step b and the unique identifier

associated with the publication in step a. Even though the purpose of tracking the referring entity (associate) seems similar, the specific method used in Bezos and the present application is distinguishable because Bezos does not teach assigning and using the specific tracking code mentioned in step f.

Further, Bezos in Col 14, line 38 through Col 15, line 16, describes the associate's store ID, the shopping cart database, the catalog document, and the URL comprising the unique customer ID, the product ID, the store ID, and the associate commission ID, but does not describe the step f of identifying the tracking code assigned in step c as mentioned above.

Also, even though Bezos mentioned "track of the sources (associates) of such referrals" and how "This feature allows the merchant Web site to accurately track and credit each associate, on a per-product-sale basis" in Col 13, lines 9 -28, this is a general description, without teaching the specific process of performing the steps a-f of this application using a tracking code specifically assigned and used for the proposed system.

Therefore, Applicant submits that Bezos does not anticipate claims 1, 9, 16, 24, 32, 34, 41, 42, 49, 50, and 51, and respectfully submits that the claims are allowed.

The Prior Art Distinguished (Claims 2,10,17,25,33, and 43)

The examiner suggested that Bezos discloses a method, system, program, and apparatus as recited in claims 1, 9, 16, 24, 32, and 42 wherein the publication includes at least one of a newsletter and an e-mail announcement. (Col 1, line 50 through Col 2, line 18).

Applicant submitted that Bezos does not anticipate claims 1, 9, 16, 24, 32, and 42 in the above discussion. Therefore, the applicant respectfully requests that dependent claims 2, 10, 17, 25, 33, and 43 be allowed.

The Prior Art Distinguished (Claims 3,11,18,26,35, and 44)

The examiner suggested that *Bezos* discloses in Col 8, lines 17-48 that email can be used for carrying out the disclosed invention, the use of email is also disclosed in Col 2, lines 50-61, and therefore, the user input inherently includes inputting an email address when this embodiment is utilized.

Bezos describes disseminating catalogs in the form of e-mail messages by a list server in Col 8, lines 17-48. However, Bezos does not disclose an email address being included in the user input. Even though email addresses of recipients are necessary to disseminate catalogs in the form of email messages by a list server, email address lists may be obtained in many different ways and does not specifically require the step of the user input of email address in the subscription process, not to mention that Bezos does not even disclose the step of user input for subscription to receive presented publications.

Therefore, the applicant respectfully requests that dependent claims 3, 11, 18, 26, 35, and 44 be allowed because Bezos does not disclose an email address being included in the user input as described in the present application. In the alternative, the applicant respectfully requests that the dependent claims 3, 11, 18, 26, 35, and 44 be allowed because the applicant submitted that Bezos does not anticipate claims 1, 9, 16, 24, 32, and 42 in the above discussion,

The Prior Art Distinguished (Claims 4,12,19,27,36,45, and 52)

The examiner suggested that *Bezos* discloses the use of links in Col 7, lines 6-60.

The applicant submitted that Bezos does not anticipate claims 1, 9, 16, 24, 32, 42, and 49 in the above discussion. Therefore, Applicant respectfully requests that the dependent claims 4, 12, 19, 27, 36, 45, and 52 be allowed.

The Prior Art Distinguished (Claims 5,13,20,28,37, and 46)

The examiner suggested that *Bezos* discloses in Col 11, lines 50-61 that web sites are used and discloses in the Col. 1, lines 6-8, that the invention relates to marketing and selling goods via the internet or other interactive network. The examiner further suggested that since the internet is a wide area network, *Bezos* discloses the use of a wide area network.

The applicant submitted that *Bezos* does not anticipate claims 1, 9, 16, 24, 32, and 42 in the above discussion. Therefore, the applicant respectfully requests that dependent claims 5, 13, 20, 28, 37, and 46 be allowed.

The Prior Art Distinguished (Claims 6,14,21,29, and 38)

The Examiner suggested that *Bezos* discloses a method, system, program, and apparatus as recited in claims 1, 9, 16, 24, 32, and 42 further comprising providing compensation for the credit of the referring entity. (Col 11, lines 50-61).

Applicant submitted that *Bezos* does not anticipate claims 1, 9, 16, 24, and 32 in the above discussion. Therefore, the applicant respectfully requests that dependent claims 6, 14, 21, 29, and 38 be allowed.

The Prior Art Distinguished (Claims 7,15,22,30,39,47, and 53)

The Examiner suggested that *Bezos* discloses a method, system, program, and apparatus as recited in claims 6, 14, 21, 29, 32, 42, and 52 wherein the compensation includes monetary compensation, return referrals, discounted services and no-charge services. (Col 7, lines 6-60).

Applicant submitted that *Bezos* does not anticipate claims 6, 14, 21, 29, 32, 42, and 52 in the above discussion. Therefore, the applicant respectfully requests that dependent claims 7, 15, 22, 30, 39, 47, and 53 be allowed.

The Prior Art Distinguished (Claims 8,23,31,40, and 48)

The Examiner suggested that Bezos discloses a method, system, program, and apparatus as recited in claims 1, 9, 16, 24, 32, and 42 wherein the tracking code includes the unique identifier. (Col 14, line 38 through Col 15, line 16).

Applicant submitted that Bezos does not anticipate claims 1, 16, 24, 32, and 42, in the above discussion. Therefore, the applicant respectfully requests that dependent claims 8, 23, 31, 40, and 48 be allowed.

CONCLUSION

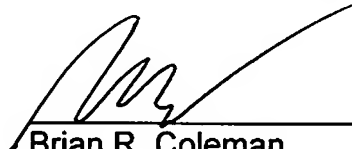
In light of the amendments and the preceding arguments, the applicant respectfully requests that the Examiner withdraw all other rejections and issue a Notice of Allowance.

If the Examiner believes that a conference would be of value in expediting the prosecution of this application, he is cordially invited to telephone the undersigned counsel at (650) 838-4328 to arrange for such a conference.

No fees are believed to be due, however, the Commissioner is authorized to charge any underpayment in fees to Deposit Account No. 50-2207.

Respectfully submitted,

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